IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

FRIDAY, THE 30TH NOVEMBER 2007 / 9TH AGRAHAYANA 1929

CRP.No. 447 of 2004()

OPEA.73/2002 of ADDL.D.C. ,ALAPPUZHA.

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REVISION PETITIONER/IST RESPONDENT:-

POWER GRID CORPORATION OF INDIA LTD.,
LOCAL OFFICE,NANGIARKULANGARA,
KAYAMKULAM,
REP.BY ITS MANAGER.

BY ADV. SRI.K.P.DANDAPANI (SR.)

RESPONDENT/PETITIONER

KARTHIKEYAN,
MANNEDUKKUM VILAYIL,
KARIMULACKAL MURI,
CHUNAKKARA VILLAGE,
REP.BY POWER OF ATTORNEY HOLDER SUDHA KARTHIKEYAN,
-DO- -DO-

BY ADV. SRI.PHILIP M.VARUGHESE

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 30/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

HARUN-UL-RASHID, J.

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C.R.P.NO. 447 OF 2004

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DATED THIS THE 30TH DAY OF NOVEMBER, 2007

O R D E R

This revision petition is filed by the respondent before the court below, viz; Power Grid Corporation of India Ltd. challenging the order dated 29.7.2003 in O.P.(EA)No.73/02 on the file of the Additional District Court, Alappuzha. The matter relates to the compensation payable to the respondent for the trees cut and removed from the property belonging to him for the purpose of drawing Kayamkulam-Edamon 220 KV electric line. The court below allowed the petition in part and an award was passed allowing the respondent/petitioner to realise a sum of Rs.16,200/= with interest @ 7.5% per annum from the date of cutting of the trees till realisation.

2. The revision petitioner is mainly aggrieved by the order of the court below fixing the rate of determination of land value at 30% taking into consideration the fact that the property is an agricultural land. According to the counsel for the petitioner, the property can be utilised for cultivation or construction of building even after the drawal of the line. The

court below noticed the fact that due to the drawing of the electric line across the property of the respondent/petitioner, 9 cents of property has become unfit for cultivation. The court below came to the conclusion that in the absence of best evidence, taking into account the number of trees cut and removed, determined the area injuriously affected as 9 cents. After fixing the market value of the property @ Rs.6,000/= per cent, the court below awarded an amount of Rs.16,200/= towards enhanced compensation for diminished utility of the land value.

3. The finding recorded by the court below based on the evidence recorded and appreciated is legal and valid. The revision petition is without any merit and does not call for any interference.

In the result, the Civil Revision Petition is dismissed.

HARUN-UL-RASHID, JUDGE.

dsn